

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TIA MARIE POWERS, a/k/a TIA
POWERS, a/k/a TIA M. POWERS, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
October 31, 2006

Petitioner-Appellee,

v

LILLIE MARIE FREDERICK,

Respondent,

and

MARCUS LEON POWERS, SR.,

Respondent-Appellant.

No. 268679
Wayne Circuit Court
Family Division
LC No. 98-373079-NA

Before: Whitbeck, C.J., and Saad and Schuette, JJ.

MEMORANDUM.

Respondent-appellant Marcus Powers, Sr., appeals as of right the circuit court's order terminating his parental rights to his minor child.¹ We affirm. We decide this appeal without oral argument.²

The Department of Human Services (DHS) offered clear and convincing evidence that Powers was not reasonably likely to provide proper care and custody within a reasonable time.³

¹ MCL 712A.19b(3)(c)(i) (authorizing termination when conditions leading to adjudication continue to exist), (g) (authorizing termination for failure to provide proper care and custody), and (j) (authorizing termination when there is a reasonable likelihood of harm should the child return to the parent's home).

² MCR 7.214(E).

³ See MCL 712A.19b(3)(g); *In re JK*, 468 Mich 202, 210; 661 NW2d 216 (2003).

Powers repeatedly failed to protect the child from physical abuse by her mother or to protect her sister from sexual abuse by their half-brothers, who continued to live in his home. Further, Powers failed to demonstrate any commitment to meeting the child's needs when he missed many visits, stopped attending visits, interacted minimally during visits, refused to adopt the therapist's suggestions, and acted hostilely toward workers. Accordingly, the trial court did not err in concluding that Powers was unable to provide proper care and custody within a reasonable time. Because we find this determination dispositive, we need not determine whether there was sufficient evidence under MCL 712A.19b(3)(c)(i) or (j).⁴

The trial court also did not clearly err in its best interests determination.⁵ Powers did not offer any evidence to contradict claims that he interacted only minimally with the child when he attended visits. There was no evidence he had a significant bond with the child either before or after her removal from her mother's home in early 2003. The child had developmental and behavioral problems and feared returning to her physically abusive mother. Under these circumstances especially, the child needed permanence and stability.⁶

Affirmed.

/s/ William C. Whitbeck
/s/ Henry William Saad
/s/ Bill Schuette

⁴ See *In re JK*, *supra* at 210.

⁵ See MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 352-353; 612 NW2d 407 (2000).

⁶ See *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991).